

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WILLIAM CRABTREE,

Plaintiff,

v.

ROBERT KIRKMAN et al.,

Defendant.

CASE NO. 3:23-mc-05005-DGE

ORDER GRANTING NON-PARTY  
ERIC STEPHENSON'S MOTION  
TO QUASH

**I INTRODUCTION**

This matter comes before the Court on non-party Eric Stephenson's motion to quash (Dkt. No. 1.) Mr. Stephenson seeks to quash a subpoena arising out of a lawsuit currently pending in the U.S. District Court for the Central District of California. Plaintiff William Crabtree has failed to respond to Mr. Stephenson's motion. Accordingly, the Court GRANTS Mr. Stephenson's motion.

## II BACKGROUND

Mr. Stephenson moved to quash on March 7, 2023. (Dkt. No. 1.) On March 8, 2023, a registered California process server delivered a copy of the motion to the receptionist at Devin McRae, Early Sullivan Wright Gizer & McRae LLP (*see* Dkt. No. 7), which the Court presumes is the office of Plaintiff Crabtree's attorney Devin McRae (*see* Dkt. No. 3-1 at 2).


Mr. Crabtree subpoenaed Mr. Stephenson "as an individual, 'c/o Image Comics,' commanding him to appear at a 'Virtual' deposition." (Dkt. No. 1 at 3.) Mr. Stephenson argues the subpoena should be quashed because "(1) it fails to specify a specific place for the deposition to occur; (2) it demands a remote deposition without an order or stipulation; (3) it is inherently unduly burdensome because Mr. Stephenson lacks relevant, material information; and (4) it seeks to compel Mr. Stephenson to give unretained expert testimony." (*Id.*)

Under Local Civil Rule 7(d)(2), Mr. Crabtree's response to the motion to quash was due March 27, 2023. Mr. Crabtree has failed to file a response. When a party "fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit." LCR 7(b)(2).

Accordingly, and having considered Mr. Stephenson's motion, and the remainder of the record, the Court finds and ORDERS that Mr. Stephenson's motion to quash (Dkt. No. 1) is GRANTED.

The Clerk is directed to CLOSE this case.

Dated this 28th day of April, 2023.

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David G. Estudillo  
United States District Judge